

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

BARBARA BIAS,

Plaintiff,

v.

Civil Action No. 2:21-cv-00034

KILOLO KIJAKAZI,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is Plaintiff Barbara Bias's complaint (ECF 1) seeking review of the Commissioner of Social Security's decision denying her claim for disability insurance benefits, filed January 14, 2021.

This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R (ECF 15) on November 30, 2021, recommending that the court deny Ms. Bias's request for judgment on the pleadings (ECF 13), grant the Defendant's request to affirm the Commissioner's decision (ECF 14), and dismiss this action and remove it from the docket.

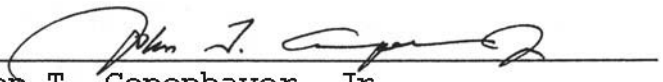
The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (Emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the court's order. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 17, 2021. No objections were filed.

Accordingly, the court ADOPTS the PF&R (ECF 15) and incorporates its findings herein, DENIES Ms. Bias's request for

judgment on the pleadings (ECF 13), GRANTS the Defendant's request to affirm the Commissioner's decision (ECF 14), AFFIRMS the Commissioner's decision, and DISMISSES this action and REMOVES it from the docket.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: January 6, 2022


John T. Copenhaver, Jr.
Senior United States District Judge